

REMARKS

Claims 1 - 23 pending. Claims 21 - 23 are withdrawn from consideration. Claims 1 - 20 are rejected.

Claims 1 - 10, 12 -16, 18, and 20 are currently amended.

Examiner rejects claims 1 - 20 under 35 USC 112, second paragraph.

Claim 1 is amended to further clarify that design features of items selected are coordinated but not matched in accordance with a system created to do that. It is the design features of items which are coordinated without matching. The additional clarification provided by the amended claim more distinctly claims the subject matter disclosed and is not intended to be limiting.

Examiner states "the term's traditional and nontraditional render the claims indefinite."

MPEP 2173.05(a)II states:

"New terms are often used when a newer technology is in its infancy or is rapidly evolving. The requirements for clarity and precision must be balanced with the limitations of the language and the science. If the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as a subject matter permits, the statute (35 USC112, second paragraph) demands no more. Shatterproof Glass Corp. v. Libby Owens Ford Co., 758 F2.2d 613, 225 USPQ 634 (Fed Cir. 1985) ... This does not mean that the Examiner must accept the best effort of the applicant. If the proposed language is not considered as precise as a subject matter permits, the Examiner should provide reasons to support the conclusion of indefiniteness and is encouraged to suggest alternatives that are free from objection."

Read in light of the specification including tables and figures the terms traditional and nontraditional do reasonably apprise those skilled in the art, of the items traditionally sold as pairs. If the Examiner provides reasons to support the conclusion of indefiniteness and possibly

suggest acceptable alternatives, applicant will address those reasons and suggestions.

Examiner rejects claims 1 - 6, 8 - 12, 14 - 16, and 18 - 20 under 35 USC 102(b); and rejects claims 7, 13, and 17 under 35 USC 103(a). The clarification provided by the amended claims to more distinctly claim that it is the design features on the selected items which are coordinated, further distinguishes claims 1 - 20 from Feld, Berger, and Marx individually and in combination. There is no disclosure by any of the cited prior art related to "selecting a minimum of one design feature on the items to be coordinated but not matched; creating a system to coordinate but not match the selected design feature on each item; and creating a minimum of two items with at least one coordinated design feature based on the system."

Examiner states that Feld discloses that items are packaged for sale in quantities other than two. See, for example, Feld at least paragraph 0002 applicant does not find anything in Feld paragraph 0002, which discloses items packaged for sale in quantities other than two.

Based on the above applicant respectfully requests that the examiner reconsider the rejections of claims 1 - 20. Applicant appreciates the time afforded the applicant and the effort by the Examiner to understand the claims in this application. The applicant believes that if any issues remain, further discussion between applicant and examiner will resolve them.

Applicant believes that application is now in condition for allowance and timely allowance is respectfully requested.

Respectfully submitted
for Applicant,

By: D.J.Ranft
Donald J. Ranft
Reg. No. 53,501